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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,867	07/10/2003	Reimund Rienecker	P23825	8415

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EXAMINER	
RODRIGUEZ, JOSEPH C	
ART UNIT	**PAPER NUMBER**
3653	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/615,867	RIENECKER ET AL.	
	Examiner	Art Unit	
	Joseph C. Rodriguez	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/23/05*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) *1-17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Applicant's request for reconsideration of the previous rejections in the last Office action is persuasive. The claims now stand rejected as follows:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "said apertures" (last ln.). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-21, 24, 27 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Young (US 5,096,127).

Young (Fig. 1, 4 wherein fig. 4 embodiment is being applied) teaches a pressurized screen comprising

an intake chamber (70) having an intake (120) structured and arranged to guide the fibrous suspension into said intake chamber (col. 2, ln. 68-col. 3, ln. 13);

at least one wire element (10) with a plurality of wire openings (11, 15), said at least one wire element being structured and arranged to pass at least a portion of the fibrous suspension in said intake chamber and to reject at least a portion of the fibrous suspension in said intake chamber (col. 3, ln. 47-col. 4, ln. 46 teaching that fiber suspension from intake is screened);

a driven centrifuge rotor positioned in said intake chamber, said centrifugal rotor being structured as a disk oriented at right angles to an axis of rotation and arranged to form a ring-shaped gap through which at least a part of the fibrous suspension in said intake chamber travels radially inwardly and into said at least one wire element and to reject a remainder of said fibrous suspension (Fig. 4, rotor includes base 30 and toothed blades 40 as well as radially extending ribs 36; col. 3, ln. ln. 10-col. 4, ln. 47; col. 5, ln. 38-63 showing closed rotor with outside diameter at least same size as diameter of wire element and describing how rotor rejects objects of a certain size while also passing the suspension "through passage 82 [annular gap between rotor and upper screen structure] into screening chamber 85");

a reject outlet (100); and

a heavy material outlet (90) arranged to remove at least a part of the fibrous suspension not traveling through said apertures (i.e., openings), wherein said portion of the fibrous suspension passing said at least one wire element is based on dimensions of fibrous material particles within the fibrous suspension (inherent in operation of

screen apertures). Further, Applicant is respectfully reminded that the material or article worked upon by the apparatus (i.e., fibrous material) does not limit apparatus claims. See MPEP 2115. Further, Applicant is respectfully reminded that claim language consisting of functional language and/or intended use phrasing is given little, if any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, at least a part of the fiber suspension is capable of traveling radially inwardly through the gap (Fig. 4) and, moreover, Young expressly teaches that part of the suspension is rejected and part of the suspension is directed inward through the rotor gap (col. 5, ln. 38-63).

Claims 18-28 and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Rienecker et al. ("Rienecker")(US 2002/0069985).

Regarding claims 18-21, 24-27, 31-33, Rienecker (Fig. 1, 7) teaches a pressurized screen comprising

an intake chamber (10) having an intake (3) structured and arranged to guide the fibrous suspension into said intake chamber (para. 52);

at least one wire element (2) with a plurality of wire openings, said at least one wire element being structured and arranged to pass at least a portion of the fibrous suspension in said intake chamber and to reject at least a portion of the fibrous suspension in said intake chamber (para. 52);

a driven centrifuge rotor positioned in said intake chamber, said centrifugal rotor being structured as a disk (rotor structure 1, 23, 24 includes a disk structure on top of

rotor) oriented at right angles to an axis of rotation and arranged to form a ring-shaped gap (between bottom of 1 and 2 or since 1 is a screen 1 can also be regarded as a "gap") through which at least a part of the fibrous suspension in said intake chamber travels radially inwardly and into said at least one wire element and to reject a remainder of said fibrous suspension (Fig. 1, showing flow arrow S traveling through gap area; Fig. 7, rotor includes base 24 and outer screening surface 1 as well as wire scraper 9; para. 52, 60 showing closed rotor with outside diameter at least same size as diameter of wire element and describing how rotor rejects objects of a certain size);

a reject outlet (5) and

a heavy material outlet (6) arranged to remove at least a part of the fibrous suspension not traveling through said apertures, wherein said portion of the fibrous suspension passing said at least one wire element is based on dimensions of fibrous material particles within the fibrous suspension (inherent in operation of apertures in wire element). Further, Applicant is respectfully reminded that the material or article worked upon by the apparatus (i.e., fibrous material) does not limit apparatus claims. See MPEP 2115. Further, Applicant is respectfully reminded that claim language consisting of functional language and/or intended use phrasing is given little, if any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, the fiber suspension is certainly capable of traveling radially inwardly through the gap.

Regarding claims 22-23, Rienecker teaches the use of 4mm perforations (para. 13), thus it is implicit from the figures (see perforations shown in fig. 7) that the ring-shaped gap is at most 100 mm.

Regarding claim 28, Rienecker (Fig. 1) appears to teach an outside diameter of said rotor (bottom of 1) at least 1.2 times the outside diameter of said wire element.

Response to Arguments

Applicant's arguments that Young fails to teach the claimed features are unpersuasive. In particular, Applicant focuses on the feature of a disk shaped rotor forming a ring-shaped gap through which the suspension travels radially inward. Figure 4, as cited above, clearly shows a ring shaped gap form between a disk shaped rotor and an upper screen structure. Further, Applicant is respectfully reminded that claim language consisting of functional language and/or intended use phrasing is given little, if any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, the fiber suspension is certainly capable of traveling radially inwardly through the gap and Young, as cited above, expressly teaches that the suspension travel through the gap. It is further noted that Applicant is only claiming that at least a part of the suspensions travel radially, thus it is irrelevant that the bulk of the suspension travels axially inward in Young as only a small fraction of the suspension is required to be capable of traveling radially inward to anticipate the claim. Consequently, as the prior art anticipates the claimed invention, the claims stand rejected.

Applicant's arguments that Rienecker fails to teach the claimed features are unpersuasive. In particular, Applicant focuses on the feature of a disk shaped rotor forming a ring-shaped gap through which the suspension travels radially inward. Figure 7, as cited above, clearly shows a ring shaped gap below a disk shaped rotor. Further, Applicant is respectfully reminded that claim language consisting of functional language and/or intended use phrasing is given little, if any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, the fiber suspension is certainly capable of traveling radially inwardly through the gap as Rienecker teaches directing the suspension radially inward (para. 61) and that the rotor is designed to draw the suspension radially inward (para. 52, 53; Fig. 1, showing radially inward flow path A1), thus some of the suspension is likely to travel through the gap created by the disk rotor. Consequently, as the prior art anticipates the claimed invention, the claims stand rejected.

Applicant's listing of claim features followed by the broad statement that the features are not taught in the prior art is unpersuasive. Applicant is advised to carefully review the prior art as well as the Office Action, and to specifically distinguish the claimed invention from the corresponding features cited in the prior art.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST).

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942.**

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

For more information about the PAIR system, see

http://pair-direct.uspto.gov

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Alternatively, inquiries of a general nature or relating to the status of this application or proceeding can also be directed to the **Receptionist** whose telephone number is **571-272-6584**. Further, the supervisor's contact information is Donald Walsh, 571-272-6944.

Signed by Examiner Joseph Rodriguez

jcr

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December 7, 2005